

**THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE
OF THE PEOPLE'S REPUBLIC OF CHINA**

Address: No. 6 Xi Tucheng Lu, Jimeng Qiao Haidian District, Beijing Post code: 100088 P.O. BOX: Beijing 8020

Shanghai Patent & Trademark Law Office

Date of Dispatch
August 8, 2003

Application No.: 00814875.9	Applicant: Matsushita Electric Industrial Co., Ltd.
Application Date: October 23, 2000	Agent:
Title: COMPRESSOR AND REFRIGERATION SYSTEM	

**THE FIRST OFFICE ACTION
(PCT APPLICATION IN THE NATIONAL PHASE)**

1. ☒ According to the Request for Substantive Examination raised by the applicant and based on the provision of Item 1, Article 35 of the Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.
☐ According to Item 2, Article 35 of the Chinese Patent Law, the Patent Office has decided to examine the above application for patent for invention.
2. ☒ The applicant has requested that the filling date of
 October 26, 1999 at the JP Patent Office as the priority date,
 _____ at the _____ Patent Office as the priority date,
 _____ at the _____ Patent Office as the priority date,
3. ☐ The following amended documents submitted by the applicant cannot be accepted for not conforming to the provision of Article 33 of the Patent Law:
☐ The Chinese version of the attachment of the International Preliminary Examination Report.
☐ The Chinese version of the amended document submitted according to the provision of Rule 19 of the Patent Cooperation Treaty.
☐ The amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.
☐ The amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.
 Refer to the text of the notice for the specific reason of non-acceptance thereof.
4. ☒ The examination is conducted by directing at the Chinese version of the original International Application submitted.
☐ The examination is conducted by directing at the following application documents:
 ☐ **Description,**
 p. _____, the Chinese version of the original International Application Document submitted;
 p. _____, the Chinese version of the attachment of the International Preliminary Examination Report;
 p. _____, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

p. _____, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ **Claims,**

_____, the Chinese version of the original International Application Document submitted.

_____, the Chinese version of the amended document submitted according to the provision of Rule 19 of the Patent Cooperation Treaty.

_____, the Chinese version of the attachment of the International Preliminary Report.

_____, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

_____, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ **Attached Drawings,**

p. _____, the Chinese version of the original International Application Document submitted.

p. _____, the Chinese version of the attachment of the International Preliminary Examination Report.

p. _____, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

p. _____, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

5. ☒ This Notice cites the following Comparison Document(the number of which shall continue to be used in the subsequent examination proceedings):

No.	Number/Title of Document	Date of Publication (or the filing date of the conflicting Application)
1	CN1207803A	February 10, 1999
2	JP11-92577A	April 6, 1999
3	CN1227907A	September 8, 1999
4	CN1031758C	May 8, 1996
5	CN1197188A	October 28, 1998

6. The conclusive opinion drawn from the examination:

☒ **As regards the Specification:**

☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right should be granted.

☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.

☒ The drafting of the specification does not conform with the provision of Rule 18,19 of the Implementing Regulations.

☒ **As regards the Claims:**

☐ Claim _____ does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.

☒ Claim 1-5,9,12,13 does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.

☐ Claim _____ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.

☐ Claim _____ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.

- ☐ Claim _____ does not conform with the provision of Item 4, Article 26 of the Patent Law.
- ☐ Claim _____ does not conform with the provision of Item 1, Article 31 of the Patent Law.
- ☐ Claim _____ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations of the Patent Law.
- ☐ Claim _____ does not conform with the provision of Rule 18 of the Implementing Regulations of the Patent Law.
- ☒ Claim 1-4,7,8,12,13 does not conform with the provisions of Rules 20 of the Implementing Regulations of the Patent Law.

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

7. Based on the above conclusive opinion, the Examiner deems that:
- ☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.
- ☒ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, or no patent right shall be granted.
- ☐ There are no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.
8. The applicant is asked to note the following items:
- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within four months from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn.
 - (2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.
 - (3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.
 - (4) The observations and/or the amended documents shall be mailed or delivered to the Department of Receipt, the Patent Office of the State Intellectual Property Office. No documents shall possess legal effects if not mailed or delivered to the Department of Receipt.
9. The text of this Notice totals 4 page(s), and includes the following attachment(s):
- ☒ duplicate copy(ies) of cited comparison document(s), altogether 5 copy(ies) 31 pages.
- ☐

Examination Department: _____ Examiner(Seal): _____

中华人民共和国国家知识产权局

邮政编码: 200233 上海市桂平路 435 号 上海专利商标事务所 侯佳猷			 	
申请号	00814875.9	部门及通知书类型	9 -D	
申请人	松下电器产业株式会社			
发明名称	压缩机及使用该压缩机的制冷剂系统装置			
发文日期				

第一次审查意见通知书

(进入国家阶段的 PCT 申请)

1. ☒ 依申请人提出的实审请求, 跟据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。
 2. ☒ 申请人要求以其在:

日本 专利局的申请日 1999 年 10 月 26 日为优先权日,
 专利局的申请日 年 月 日为优先权日,
 专利局的申请日 年 月 日为优先权日。
 3. ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条的规定。
☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定。

☐ 国际初步审查报告附件的中文译文。
☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。
 4. ☒ 审查是针对原始提交的国际申请的中文译文进行的。
☐ 审查是针对下述申请文件进行的:

☐ 说明书 第 页, 按照原始提交的国际申请文件的中文译文;
 第 页, 按照国际初步审查报告附件的中文译文;
 第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;
 第 页, 按照依据专利法实施细则第 51 规定所提交的修改文件。

☐ 权利要求 第 项, 按照原始提交的国际申请文件的中文译文;
 第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
 第 项, 按照国际初步审查报告附件的中文译文;
 第 项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
 第 项, 按照依据专利法实施细则第 51 规定所提交的修改文件。

☐ 附图 第 页, 按照原始提出的国际申请文件的中文译文;
 第 页, 按照国际初步审查报告附件的中文译文;
 第 页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
 第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。
- ☒ 本通知书引用下述对比文献 (其编号在今后的审查过程中继续沿用):

回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
 21302 2002. 7 (注: 凡寄给审查员个人的信函不具有法律效力)

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	CN1207803A	1999年2月10日
2	JP11-92577A	1999年4月6日
3	CN1227907A	1999年9月8日
4	CN1031758C	1996年5月8日
5	CN1197188A	1998年10月28日

6. 审查的结论性意见:

☒关于说明书:

☐申请的内容属于专利法第5条规定的不授予专利权的范围。

☐说明书不符合专利法第26条第3款的规定。

☐说明书不符合专利法第33条的规定。

☒说明书的撰写不符合专利法实施细则第18条的规定。

☒说明书附图不符合专利法实施细则第19条的规定。

☒关于权利要求书:

☐权利要求_____不具备专利法第22条第2款规定的新颖性。

☒权利要求 1-5, 9, 12, 13 不具备专利法第22条第3款规定的创造性。

☐权利要求_____不具备专利法第22条第4款规定的实用性。

☐权利要求_____属于专利法第25条规定的不授予专利权的范围。

☐权利要求_____不符合专利法第26条第4款的规定。

☐权利要求_____不符合专利法第31条第1款的规定。

☐权利要求_____不符合专利法第33条的规定。

☐权利要求_____不符合专利法实施细则第13条第1款的规定。

☐权利要求_____不符合专利法实施细则第2条第1款的规定。

☒权利要求 1-4, 7, 8, 12, 13 不符合专利法实施细则第20条的规定。

☐权利要求_____不符合专利法实施细则第21条的规定。

☐权利要求_____不符合专利法实施细则第22条的规定。

☐权利要求_____不符合专利法实施细则第23条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

8. 申请人应注意下述事项:

(1) 根据专利法第37条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第33条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有4页, 并附有下列附件:

☒引用的对比文件的复印件共5份31页。